

## **REMARKS**

### **INTRODUCTION**

In accordance with the foregoing, claims 1 and 9 have been amended. Claims 1, 5-7, 9, 10 and 15-17 are pending in the application.

### **CLAIM REJECTIONS – 112**

Claims 1, 5-7, 9, 10 and 15-17 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Appropriate correction has been made to claims 1 and 9 to recite that the disk clamp includes an opening hole in accordance with the Examiner's suggestion. Support for this amendment may be found in at least paragraph [0033] of the specification.

Withdrawal of the foregoing rejection is requested.

### **CLAIM REJECTIONS – 102 and 103**

Claims 1, 5, 7, 9, 10, 15 and 17 were rejected under 35 USC 102(b) as being anticipated by Masayuki (JP 10-162464) (hereinafter "Masayuki").

Claims 6 and 16 were rejected under 35 USC 103(a) as being unpatentable over Masayuki in view of Bronshvatch et al. (US 5,528,434) (hereinafter "Bronshvatch").

#### **Claims 1 and 5-7**

Amended claim 1 recites: "...a plurality of screw coupling holes into which screws are inserted to be coupled to an upper end portion of the spindle motor and provided at intervals of a predetermined distance along a uniform circumference inside the stress distribution portion..." Support for the amendment to claim 1 may be found in at least paragraph [0033] of the specification.

In the Office Action, in the "Response to Arguments" section, the Examiner notes that the phrase "consisting of" is an exclusive term, which can be used for describing a group with a limited number of elements. In the Office Action, in the enablement rejection, the Examiner noted that the opening hole was missing and since this element was missing, the independent claims were not enabled. If the opening hole is an element, it is respectfully submitted that the 2nd set of screw holes shown in Masayuki are also elements. These 2nd holes are provided in

positions separated from the 1st holes as against the center of the disk retainer respectively. The disk retainer in Masayuki is fixed to the hub by screwing it with fixing screws through the 1st or 2nd holes in accordance with the number of mounting magnetic disks.

In contrast to Masayuki, claim 1 recites a disk clamp consisting only of a single set of screw coupling holes provided at intervals of a predetermined distance along a uniform circumference inside the stress distribution portion.

Claims 5-7 are dependent on claim 1, and are therefore believed to be allowable for the foregoing reasons.

Withdrawal of the foregoing rejections is requested.

**Claims 9, 10 and 15-17**

Amended claim 9 recites: "...an inner portion having a plurality of apertures arranged along a uniform circumference at predetermined intervals..." Support for the amendment to claim 9 may be found in at least paragraph [0033] of the specification.

In contrast to claim 9, Masayuki discusses a disk retainer that is formed with 1st holes for obtaining clamp force, required for mounting two magnetic disks, and 2nd holes for obtaining clamp force required for mounting three magnetic disks. It is respectfully submitted that the 2nd holes of Masayuki are an additional element because they are provided in positions separated from the 1st holes.

Specifically, since Masayuki provides for 1st and 2nd screw holes 54 and 56 at differing radii R0 and R1, it is respectfully submitted that claim 9 patentably distinguishes over Masayuki.

Claims 10 and 15-17 are dependent on claim 9, and are therefore believed to be allowable for the foregoing reasons.

Withdrawal of the foregoing rejections is requested.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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